

CONSTRUCTION INDUSTRY AIR QUALITY COALITION
CALIFORNIA MINING ASSOCIATION
CONSTRUCTION MATERIALS ASSOCIATION OF CALIFORNIA

December 15, 2005

Ms. Kitty Martin
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Dear Ms. Martin:

At our November 29, 2005 CIAQC Board meeting, California construction, aggregate, mining, and concrete production associations and their member companies offered their recommendations on the diesel off-road air toxic control measure (ATCM). Following is a consensus of these recommendations. Several factors should be considered including a consistent policy throughout the State, reasonable timing for implementation, and accelerated Verified Diesel Emission Control System (VDECS) technology that could be a critical component:

- Emission limits would be based on fleet averages. These could be achieved either by company wide or project fleet averages. Options should be available to achieve these averages including by 1) grams per brake horsepower-hour or 2) a phasing out of Tier 0 engines and a phase in of Tier 4 engines over a 15 year time period.
- A fleet average could apply to equipment used on a specific project or to an entire company fleet. There are arguments for either approach. CIAQC members have successfully worked on a project-oriented approach as used by the Sacramento Metropolitan AQMD on its construction emission mitigation program. On the other hand the company-wide approach could offer an annual self-certification process that would allow companies to move their equipment from site to site knowing that they have already met their state specified emissions standard requirements. The ATCM should be easy to understand and considers the economic and logistical hurdles that thousands of small and minority contractors will face during its implementation. In either case, it is important that the operator only be required to meet one requirement, either the company wide average or the project average. In other words, a company wide fleet certification would preempt further regulation at the local or project level.
- The ATCM should include language stating that emission standards will sunset on January 1, 2020. This would allow each company and the construction industry in general the benefit of long-term planning with an emission level achievement goal.

- A company could use a project or company wide fleet average for any job. However, there would not be duplication of company wide or project certification.
- A company that owns ten or less pieces of equipment should be given more time to convert to certified engines and/or equivalent VDECS.
- The ATCM should include an equipment low-use exemption at 400 hours or less per year.
- ARB should accelerate the development and approval of VDECS because it may be the most cost effective way to reach ARB's emission goals.
- **We oppose a regulation that is specific to individual pieces of equipment that has a Tier 1 or higher certification. We oppose any ATCM requirement that certified engines be replaced during their useful life by higher Tier engines. Such an approach would not recognize the efforts and financial investments of those companies that have been proactive prior to any ATCM requirements. The ATCM should not preclude the availability of incentive or matching funds in order to maintain the current level of equipment repower activity.**
- Idle time on off-road construction diesel powered engines should be dictated by the appropriate warm up and cool down of each specific type of equipment, site conditions and outside air temperature. Proper engine/hydraulic oil temperature will be the driving factor in this policy while recognizing the engine manufactures recommendations for safe and productive operations. Efficient operating temperature is a critical component in maximizing the emission standards set by the engine manufacturer.
- Should ARB require a registration process, it should consider using the DMV Off-Highway Vehicle (OHV) license program. Under this program, each off highway vehicle is required to comply with California emission standards. The current fee is \$25.00 for a two-year period. Each vehicle is issued a small sticker that includes an identification number that could also include a company fleet identification number. The fee is right, and the system is already in place, which is an avenue that I think we need to consider as we move forward. A sample of the sticker is shown below.

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(OHV) license

At its December 14 meeting the CIAQC Board instructed Jeb Stuart, Clayton Miler and me to meet with you and your staff in Sacramento to respond to your questions on our proposed concept and listen to your comments. Would you have several hours free during the second or third week of January?

Sincerely,

Michael Lewis,
Senior Vice President
Construction Industry Air Quality Coalition